

Randolph County Commissioners Minutes

July 11, 2005

The Randolph County Board of Commissioners met in regular session at 4:00 p.m. in the Commissioners Meeting Room, County Office Building, 725 McDowell Road, Asheboro, NC. Commissioners Holmes, Kemp, Frye, and Davis were present; Commissioner Lanier was absent. Rev. David Cox, West Bend United Methodist Church, Asheboro, gave the invocation and everyone recited the Pledge of Allegiance.

Consent Agenda

On motion of Frye, seconded by Davis, the Board voted unanimously to approve the Consent Agenda, as follows:

- *approve minutes of June 6, 7, 13, 20, and 27 and June 6 closed sessions;*
- *reappoint Talmadge Baker, Jonathan Sermon, Pam Hill, Greg Patton, Rev. Harold Williams, Sandy Key, Wendy Fuller, Sheriff Litchard Hurley, Arnold Lanier, Joe Goldston, Bill McCaskill, and Clark Bell to the Juvenile Crime Prevention Council;*
- *appoint Barry T. Ward to the Julian Fire Protection District Commission.*

Additions to Agenda

Chairman Holmes announced that *Item K. Set September Meeting Date* would be added to the agenda.

Tourism Development Authority (TDA) Annual Report

Chris Bulla, Executive Director of the Randolph County TDA, gave an overview of tourism and its impact in the nation, state and Randolph County during 2004-2005. She said that Randolph's TDA functions as a specialized economic development engine for the county. Randolph TDA successes during 2004-2005 include the opening of 2 area hotels, 2 successful International Home Furnishings Markets, grand opening of the Zoo's Australian Walkabout exhibit, re-opening of the Pisgah Covered Bridge, 1st anniversary of Victory Junction Gang Camp, and the return of the NC Aviation Museum's annual fly-in event. She said that during 2004-2005, Randolph TDA presented the County's first recreation master plan; contributed to the Randleman Lake Access Study, Archdale Baseball field improvements, and Pisgah Covered Bridge reconstruction; initiated the Seagrove economic impact study; launched the new TDA website; produced new countywide tourism visitors guides and county tablet maps; and developed/installed US 64 Zoo banners. As a result of all county tourism-related partnership efforts, the Randolph County TDA expects a 14% increase in occupancy revenues over 2004-2005.

Annual Report from Regional Partnership Workforce Development Board

David Smith, Workforce Development Board member, reviewed the 7/1/2004-6/30/2005 Annual Report of the Regional Partnership Local Area. He gave statistics regarding the number of *JobLink* clients that were served at the RCC site.

Adopt 2005-2006 Classification and Pay Plan

Kim Newsom presented the proposed 2005-2006 classification and pay plan for consideration.

On motion of Frye, seconded by Davis, the Board voted unanimously to approve the 2005-2006 classification and pay plan, as presented.

Annual Settlement Report

Ravonda Cox presented the collection settlement reports (real and personal property, motor vehicles, and ambulance) for FY 2004-2005, as required by G.S. 105-373. The collection rate for 2004-2005 was 99.36%.

On motion of Frye, seconded by Kemp, the Board unanimously accepted the following collection settlement reports for FY 2004-2005, as presented by Revonda Cox.

Real and Personal Property Settlement Report:

| | | |
|--|----------------------|-----------------------|
| Beginning Balances: | | |
| Current Levy | 56,588,370.13 | |
| Delinquent Secured | 451,821.84 | |
| Delinquent Unsecured | 623,200.08 | |
| Total Beginning Receivables | | 57,663,392.05 |
| | | |
| Additions: | | |
| Manual Discoveries, Public Utilities | 2,205,054.92 | |
| Supplemental Billing (second billing) | 580,085.05 | |
| | | |
| Credits: | | |
| Collections | 58,448,504.44 | |
| Releases | 499,943.85 | |
| Discounts | 650,375.78 | |
| | | |
| Adjustments: | | -56,813,684.10 |
| | | |
| Ending Balances: | | |
| Current Secured Levy | 243,128.97 | |
| Current Unsecured Levy | 134,721.97 | |
| Delinquent Secured | 53,166.52 | |
| Delinquent Unsecured | 418,690.49 | |
| | | |
| Total Ending Receivables | | 849,707.95 |

Vehicle Settlement Report:

| Billing Month | G01 ONLY | ALL DISTRICTS | |
|----------------------|--------------|---------------|--|
| | | | |
| Outstanding Balance: | 971,824.73 | 1,923,569.74 | |
| Original Billing: | 5,355,012.91 | 8,002,228.13 | |
| Interest Charged: | 68,613.86 | 103,902.98 | |
| | | | |
| Total: | 6,395,451.50 | 10,029,700.85 | |
| | | | |
| Taxes Collected: | 5,165,873.82 | 7,710,108.85 | |
| Interest Collected: | 68,613.86 | 103,902.98 | |
| Taxes Released: | 125,667.20 | 205,339.25 | |
| Unpaid Taxes: | 1,035,296.62 | 2,010,349.77 | |
| | | | |
| Total: | 6,395,451.50 | 10,029,700.85 | |
| | | | |

| MONTH | | MONTH | |
|-----------|--------|-----------|--------|
| JULY | 97.41% | JULY | 97.23% |
| AUGUST | 96.38% | AUGUST | 96.13% |
| SEPTEMBER | 97.14% | SEPTEMBER | 96.94% |
| OCTOBER | 94.20% | OCTOBER | 94.01% |
| NOVEMBER | 93.21% | NOVEMBER | 92.85% |
| DECEMBER | 92.97% | DECEMBER | 92.66% |
| JANUARY | 92.41% | JANUARY | 91.79% |
| FEBRUARY | 91.25% | FEBRUARY | 90.84% |
| MARCH | 91.28% | MARCH | 90.72% |
| APRIL | 88.43% | APRIL | 88.16% |
| MAY | 76.60% | MAY | 75.64% |

Ambulance Settlement Report:

| | |
|--|---------------------|
| UNCOLLECTED AMBULANCE FEES | |
| JULY 1,2004 | 3,362,601.41 |
| | |
| AMBULANCE FEES CHARGED TO TAX DEPARTMENT FOR COLLECTION | |
| JULY 1, 2004 THROUGH JUNE 30,2005 | 3,059,832.78 |
| | |
| LEGAL FEES (GARNISHMENTS,JUDGE- MENTS,ETC) | 965.00 |
| | |
| DEBITS | 30.24 |
| | |
| OVERPAYMENTS & REFUNDS | 12,320.73 |
| | |
| TOTAL | 6,435,750.16 |
| | |
| ALL SUMS DEPOSITED WHICH REPRESENT | |
| AMBULANCE FEES AND LEGAL FEES | 1,799,297.99 |
| | |
| RELEASES(MEDICARE,MEDICAID) | 501,791.98 |
| | |
| UNCOLLECTED AMBULANCE FEES | 4,088,996.24 |
| | |
| CREDIT | 296.00 |
| | |
| STATUTE OF LIMITATIONS | 45,367.95 |
| | |
| TOTAL | 6,435,750.16 |

Charge to Tax Collector

On motion of Frye, seconded by Kemp, the Board voted unanimously to charge Benjamin T. Chavis, as follows: Benjamin T. Chavis is hereby authorized, empowered and commanded to collect the taxes set forth in the tax records filed in the office of the County Assessor and in the tax receipts delivered to him, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Randolph and this order shall be a full and sufficient authority to direct, require, and enable him to levy on and sell any real and personal property of such taxpayers, for and on account thereof, in accordance with law.

Animal Control Update

MiMi Cooper, Randolph County Public Health Director, updated the Board on animal control issues in Randolph County. She said that since the Health Department took over animal control in 1996 rabies control has been the #1 priority. She said that this department investigates about 400 animal bites annually. She said that although the public's hours of operation at the animal shelter are from 9 a.m. to 4 p.m., the animal control officers are on-call 24 hours a day, 7 days a week for rabies-related investigations and dangerous dog situations. They answered over 6,000 complaint calls last year. There were over 7,000 animals at the animal shelter last year, and Ms. Cooper stressed that they make every attempt possible to identify and contact the owner, if any, of all animals. She said that until citizens take responsibility for their pets regarding neglect and spaying/neutering, there is no way to solve the pet overpopulation problem. She commended the Sheriff's Department for their after-hours assistance, saying that they are essential to animal control and that they do a great job. Ms. Cooper also mentioned their excellent working relationship with the local Humane Society. She also mentioned that almost all the local veterinarian offices have discount rabies clinics during the year, and she commended citizens groups such as breed rescuers and student volunteers for their assistance. Ms. Cooper said that unfortunately, until we can slow down the pet over-population problem, animals will continue to have to be euthanized. She commended her animal control staff, saying that it takes a very special person to work at the animal shelter. Although the shelter is open to the public from 9-4 only (largely because the shelter is located within the gated solid waste facility), staff will make special appointments for citizens to come to the shelter after hours if they need to identify lost animals or for adoption purposes.

Lorraine Smith, member of the Randolph County Humane Society, commended Ms. Cooper and her staff and said that the Humane Society has an excellent working relationship with the animal shelter.

Adoption of Resolution of Official Intent to Close a Portion of Bethel Park Drive/Davis Ave. and an Unnamed Public Road and Set Public Hearing Date

Aimee Scotton, Associate County Attorney, said that the Randolph County Planning and Zoning Department has received a request that the County act to permanently close Bethel Park Drive (or Davis Avenue, as it is identified on recorded plat) and an unnamed public road that connects Bolivar Avenue to a service road that runs parallel with U.S. Highway 29 & 70. The streets that make up this request are located on property that is being conveyed to 84 Lumber Company, and it is 84 Lumber Company that has made the request. According to NC General Statute §153A-241 the Board of Commissioners must adopt a resolution declaring its intent to close the road and calling for a public hearing on the question. This notice must be published once a week for three successive weeks before the hearing, and a copy of the resolution must be sent by registered certified mail to each owner of property adjoining the road, as shown by the county tax records, who did not join in the request to have the road closed. In this case, there is only one owner to notify. Furthermore, a notice of the closing and the public hearing must be posted in at least two places along the road. At the public hearing, interested persons are allowed to voice their views on whether the closing will be detrimental to the public interest or to individual property rights. After the public hearing, if the Board of Commissioners is satisfied that closing this road will not be detrimental to public interest and will not deprive any individual of access to his property, the Board

may adopt an order closing the road. A certified copy of the order shall then be filed with the Register of Deeds office.

On motion of Frye, seconded by Davis, the Board voted unanimously to adopt the following resolution of official intent:

WHEREAS, the Randolph County Board of Commissioners has received a request from 84 Lumber Company, Pierce Hardy Limited Partnership to permanently close the following section of Bethel Park Drive/Davis Avenue:

From where it is bordered by Tract "C" of the R.L. Honbarrier property (approximately 267 feet from its intersection with Bethel Drive Extension) to its intersection with an unnamed public road, as depicted in survey entitled "Property of R.L. Honbarrier" and recorded in Book of Maps 1122, Page 834, Randolph County Registry,

and to permanently close an unnamed public road that connects Bolivar Avenue to a service road that runs parallel with U.S. Highway 29 & 70, as depicted in survey entitled "Property of R.L. Honbarrier" and recorded in Book of Maps 1122, Page 834, Randolph County Registry, and;

WHEREAS, North Carolina General Statute § 153A-241 requires that the Board of Commissioners hold a public hearing prior to the closing of any road to consider the effects of said closing on the public interest or on individual property rights;

BE IT THEREFORE RESOLVED that the Randolph County Board of Commissioners hereby declares its intent to permanently close those streets outlined above.

BE IT FURTHER RESOLVED that the Randolph County Board of Commissioners has set a public hearing for 5:00 p.m. on August 1, 2005 to consider said closing and to allow for the public to be heard on this matter.

Citizens' Concern

At this time Commissioner Davis said that there were some citizens in the audience that have asked for the Board's assistance in the process to have a portion of Wall Brothers Road abandoned.

Phillip Wall told the Board that the road needs to be closed due to excessive loitering, shooting of firearms and illegal trash dumping.

Cheryl Ivey, Deputy Clerk to the Board, said that a request for resolution for the partial abandonment of Wall Brothers Road had been received in June from the Department of Transportation (DOT), followed shortly thereafter by another correspondence from DOT stating that their office had received a letter of opposition to the abandonment of that road from Arlin Buttke. Ms. Ivey said that she called Jeff Picklesimer, DOT District Engineer, who told her to hold this request until she received further instruction from him regarding any future request for action from the Board of Commissioners.

The Board told Mr. Wall that Chairman Holmes will call Mr. Picklesimer to try to get this abandonment process going.

Appointment of Voting Delegates for NCACC Conference

On motion of Davis, seconded by Kemp, the Board voted unanimously to appoint Darrell Frye and Harold Holmes as voting and alternate voting delegates, respectively, for the NCACC Conference in August.

Adoption of Economic Development Capital Reserve Ordinance

Will Massie, Deputy Finance Officer, said that in the 2005-06 Budget Ordinance, the County Commissioners included a transfer of tax proceeds to a capital reserve fund dedicated for economic

development. This capital reserve needs to be formally established in accordance with G.S. 159-18. As always, each specific project will be submitted to the Commissioners for approval.

On motion of Kemp, seconded by Davis, the Board voted unanimously to adopt the Randolph County Economic Development Capital Reserve Ordinance, as follows:

BE IT ORDAINED by the Board of the Randolph County Commissioners that, pursuant to section 18 of Chapter 159 of the General Statutes of North Carolina, the following capital reserve fund ordinance is hereby adopted:

Section 1. The Board of Commissioners hereby creates a capital reserve fund for the purpose of accumulating funds for future economic development projects in Randolph County.

Section 2. It is intended that this fund accumulate at least \$3,400,000 as requested by the Randolph County Economic Development Corporation for site development, infrastructure, incentives and other projects to improve the County's economic base.

Section 3. Any monies authorized by the Board of Commissioners under the annual budget ordinance will be transferred from the General Fund to this Capital Reserve Fund. It is estimated that these transfers will be the amount of revenues generated from one cent (\$.01) on the county-wide property tax rate for four years beginning with fiscal year 2005-06 and ending with fiscal year 2008-09.

Section 4. As specific economic development projects are approved by the Commissioners, the Randolph County Finance Officer is hereby granted the authority to transfer such amounts from this Capital Reserve Fund back to the General Fund.

Section 5. The reserve fund will remain operational no longer than four years following the final transfer of monies from the General Fund to the Capital Reserve.

Section 6. This Capital Reserve Ordinance shall become effective July 11, 2005.

GFOA Certificate for FY 2003-2004

Will Massie, Deputy Finance Officer, announced that Randolph County's comprehensive annual financial report has been awarded a Certificate of Achievement for Excellence in Financial Reporting for the 16th consecutive year by the Government Finance Officers Association (GFOA) of the United States and Canada. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

Budget Amendment—CDBG Scattered Site Housing Project

Will Massie said that as we reach the end of the Scattered Site Housing project, there are some funds available that will not be used for Lead Based Paint (\$656) and Planning (\$2,300). These funds will be better spent on further rehabilitation of residences. Accordingly, a budget amendment is needed to transfer \$2,956 to Rehabilitation. The Division of Community Assistance has already authorized the County to use the funds for rehabilitation.

On motion of Frye, seconded by Davis, the Board voted unanimously to approve Budget Amendment #2, as follows:

| COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT 2003 SCATTERED SITE HOUSING ORDINANCE-Amendment #2 | | |
|---|------------------------|------------------------|
| <i>Appropriations</i> | <i>Increase</i> | <i>Decrease</i> |
| <i>Rehabilitation</i> | \$2,956 | |
| <i>Lead Based Paint</i> | | \$656 |
| <i>Planning</i> | | \$2,300 |

Budget Amendment—Elections

Will Massie said that the Board of Elections has received a \$7,525 grant through the Help America Vote Act for technology upgrades such as scanners, computers and telephone equipment. A budget amendment is needed.

On motion of Kemp, seconded by Davis, the Board voted unanimously to approve Budget Amendment #1, as follows:

| 2005-2006 BUDGET ORDINANCE | | |
|-------------------------------------|------------------------|------------------------|
| General Fund--Amendment #1 | | |
| <i>Revenues</i> | <i>Increase</i> | <i>Decrease</i> |
| <i>Restricted Intergovernmental</i> | <i>\$7,525</i> | |
| <i>Appropriations</i> | <i>Increase</i> | <i>Decrease</i> |
| <i>Elections</i> | <i>\$7,525</i> | |

Set September Meeting Date

On motion of Davis, seconded by Kemp, the Board set the September meeting date for Tuesday, September 6, 2005.

Recess

At 5:20 p.m., the Board recessed.

Rezoning Public Hearing

At 6:30 p.m. the Board adjourned to a duly advertised public hearing to consider rezoning requests. Hal Johnson, Planning & Zoning Director, presented the following requests, and Chairman Holmes opened the public hearing for comments on each request and closed it before taking action on each request.

1. AMON GARNER, Asheboro, North Carolina, is requesting that 2.60 acres located on Meadowbranch Road, Richland Township, be rezoned from Highway Commercial/Conditional Use to Residential Agricultural. Rural Growth Management Area. Tax ID# 7694679286. The applicant no longer plans to build and operate a machine shop and would like the property reverted to its original zoning of Residential Agricultural. The Planning Board considered this request at public meeting on June 7, 2005, and unanimously recommended that this request be approved.

No one spoke.

On motion of Davis, seconded by Kemp, the Board voted unanimously to approve the request of Amon Garner.

2. EARNHARDT BUILDERS INC., Asheboro, North Carolina, is requesting that 100.46 acres (out of 208.20 acres) on the corner of Old Mountain Road/Post Road, Tabernacle Township, be rezoned from RA to CVOE-CU. Secondary Growth Area. Lake Reese Watershed. Tax ID# 6794085766 and 6794281486. The proposed Conditional Use Zoning District would specifically allow the development of a 49-lot residential subdivision for site-built homes with a minimum house size of 1,500 sq. ft. The Planning Board considered this request at public meeting on June 7, 2005, and recommended, by a vote of 6 to 1, that this request be denied. Mr. Johnson told the Board that Mr. Earnhardt has now asked that this request be postponed.

On motion of Frye, seconded by Davis, the Board voted unanimously that the request of Earnhardt Builders be continued until another (revised) request is made by the applicant and the Planning Board hears and makes a recommendation to this Board on the revised request.

3. BEN ALBRIGHT, Ramseur, North Carolina, is requesting that 47.63 acres located on U.S. Hwy 220 Business South, Cedar Grove Township, be rezoned from Residential Agricultural to Community Shopping. Primary Growth Management Area. Tax ID#s 7658336829, 7658336829, 7658422827, 7658432280, 7658443552, and 7658443622. It is the desire of the property owners for the property to allow a commercial shopping center. The Planning Board considered this request at public meeting on June 7, 2005, and unanimously recommended that this request be approved.

Ben Albright, applicant, said that he is acting as the appointed commissioner of the Frances Lambeth estate and spoke in support of this request. He said that the site will be marketed as hotel/motel and convention center sites.

On motion of Kemp, seconded by Frye, the Board voted unanimously to approve the request of Ben Albright.

4. KEITH HILL, Seagrove, North Carolina, is requesting that 1.55 acres located at 6002 Gallimore Town Road, Tabernacle Township, Lake Reese Watershed, be rezoned from Residential Agricultural to Rural Business Overlay/Conditional Use. Rural Growth Management Area. Tax ID# 7702393056. The Conditional Use Permit would specifically allow a used auto sales business from an existing 30' x 30' building with a 10-car display lot. Joyce Hedrick, Carolyn Sabates, and Faye Hill - Property Owners. The Planning Board considered this request at public meeting on June 7, 2005, and recommended, by a vote of 6 to 1, that this request be denied.

Greg Bryant, 5688 Gallimore Town Road, spoke in opposition to this request and presented a petition for opposition to the Board. He said the proposed business is out of character with the rural area.

On motion of Frye, seconded by Davis, the Board voted unanimously to deny the request of Keith Hill.

Announcement of New Public Comment Law

Cheryl Ivey, Deputy Clerk to the Board, presented information regarding House Bill 635, which became law effective immediately (July 11, 2005). This is an act to require at least one public comment period per month at a regular meeting of a local board of education, county board of commissioners or municipal governing board.

The floor was opened for public comment. No one spoke.

Adjournment

There being no further business, the meeting adjourned at 7:05 p.m.

J. Harold Holmes, Chairman

Darrell L. Frye

Phil Kemp

Robert B. Davis

Cheryl A. Ivey, Deputy Clerk to the Board